
§1970. Standards and Record Requirements., continued**HISTORY**

7. Amendment of first paragraph and subsections (a) and (b), amendment of Note, and new form 43M-47 filed 4-28-98; operative 5-28-98 (Register 98, No. 18).
8. Amendment of subsection (a) filed 10-23-2001; operative 11-22-2001 (Register 2001, No. 43).

§1970.1. Enclosed Spaces.

(a) As used in Section 8505.1 of the code, the term “enclosed space” shall include but shall not be limited to any of the following:

- (1) Vault or chamber
- (2) Tarpaulin covering
- (3) Paper and tape seal
- (4) Combination paper and tape and tarpaulin
- (5) Van, boxcar, ship, plane or other vehicle

(b) For purposes of subsection (a), “tarpaulin” means a protective covering which is capable of retaining a fumigant for the period of time required by the label for such fumigant.

NOTE: Authority cited: Section 8525, Business and Professions Code.

Reference: Sections 8505.1 and 8505.7, Business and Professions Code.

HISTORY

1. New Sections 1970.1, 1970.2, and 1970.3 filed 9-18-75; effective thirtieth day thereafter (Register 75, No. 38).
2. Amendment filed 9-22-83; effective thirtieth day thereafter (Register 83, No. 39).

§1970.2. Fumigation Effectiveness.**HISTORY**

1. Repealer filed 9-22-83; effective thirtieth day thereafter (Register 83, No. 39).

§1970.3. Securing Against Entry.

As used in Section 8505.7 of the code, the phrase “locked, barricaded, or otherwise secured against entry” shall mean that all structures, prior to fumigation, shall have a secondary lock on all outside doors. A secondary lock means a device or barricade that will secure and prevent a door from being opened by anyone other than the licensee in charge of the fumigation. Examples of approved devices are clamshell locks, padlocks, keyway locks, pins or any other device, including inside deadbolts.

(a) Pins shall be of a thickness to prevent the insertion of the door key.

(b) Staples cannot be used in keyways as a secondary lock under any circumstances.

§1970.3. Securing Against Entry., continued

(c) An exterior doorway on a garage or an uninhabited structure which does not have a door shall have impassable barricades erected thereon prior to fumigation if it provides a path of access for persons to enter into a building which is inhabited by human beings or shows evidence of human habitation. This provision shall apply to side doorways on otherwise enclosed garages if the garage is being used for storage of personal property, or is part of inhabited property.

A garage without a car door or where the car door is missing shall be considered a carport and need not be barricaded unless there is evidence that the garage area is being used for habitation.

A barricade is considered to be plywood with a thickness of one-fourth inch or a material of equal or greater strength.

NOTE: Authority cited: Sections 8520 and 8525, Business and Professions Code.

Reference: Sections 8505.4 and 8505.7, Business and Professions Code.

HISTORY

1. Repealer and new section filed 5-19-78; effective thirtieth day thereafter (Register 78, No. 20).
2. Amendment filed 1-26-82; effective thirtieth day thereafter (Register 82, No. 5).
3. Editorial correction (Register 82, No. 16).
4. Amendment of NOTE filed 9-22-83; effective thirtieth day thereafter (Register 83, No. 39).
5. Amendment and new subsections (a)-(d) filed 1-13-93; operative 2-12-93 (Register 93, No. 3).
6. Amendment of first paragraph, repealer of subsection (a) and subsection relettering, and amendment of newly designated subsection (a) and last paragraph filed 3-13-96; operative 4-12-96 (Register 96, No. 11).

§1970.4. Pesticide Disclosure Requirement.

(a) The primary contractor for fumigation shall have in his or her possession and shall provide to any subcontractor for fumigation a form (See Form 43M-48 (Rev. 5/05 at the end of this section) signed by the occupants or designated agent of a structure. The primary contractor for fumigation and the subcontractor for fumigation shall retain a copy of the occupants fumigation notice for a period of at least three years. In case of multiple-family dwellings, the owner, manager or designated agent of the building may obtain signatures and/or verify the notification of the occupants.

The form shall state the name of the pest to be controlled, the pesticide(s) / fumigant(s) proposed to be used, the active ingredient(s) and the health cautionary statement as required under section 8538 of the code. The form shall also state that a lethal gas (poison) will be used in the building on indicated dates and that it is unsafe to return to the building until a certification notice for reentry is posted by the licensed fumigator. The form shall also indicate that the occupant has received the prime contractor's information regarding the procedures for leaving the structure.

§1970.4. Pesticide Disclosure Requirement., continued**(a) continued**

The properly signed form or a copy thereof shall be in the possession of the licensed fumigator when the fumigant is released. Such form shall be attached to and become a permanent part of the fumigation log upon completion of the fumigation.

(b) Any death or serious injury relating to pesticide application or use, whether to a worker or member of the public, shall be reported to the nearest Structural Pest Control Board office immediately.

(c) Whenever a licensee employed by a branch 2 or branch 3 registered company applies a pesticide within, around or to any structure such person shall leave in a conspicuous location a written notice identifying the common, generic or chemical name of each pesticide applied. In case of a multiple family structure, such notice may be given to the designated agent or the owner. Such pesticide identification notice may be a door hanger, invoice, billing statement or other similar written document which contains the registered company's name, address, and telephone number.

(d) All pest control operators, field representatives, applicators and employees in all branches shall comply in every respect with the requirements of section 8538 of the code. Failure to comply with section 8538 of the code is a misdemeanor and shall constitute grounds for discipline.

(e) Where notification is required under section 8538 of the code, and the premises on which the work is to be performed is a multiple family dwelling consisting of more than 4 units, the owner/owner's agent shall receive notification and other notices shall be posted in heavily frequented, highly visible areas including, but not limited to, all mailboxes, manager's apartment, in all laundry rooms, and community rooms on all external pest control servicing. Complexes with fewer than 5 units will have each affected unit notified. Any pest control servicing done within a tenant's apartment requires that the tenant be notified according to section 8538 of the code.

(f) A registered company which applies any pesticide within, around or to any structure shall provide to any person, within 24 hours after request therefore, the common, generic or chemical name of each pesticide applied.

NOTE: Authority cited: Section 8525, Business and Professions Code.

Reference: Section 8505.7, 8505.13 and 8538, Business and Professions Code.

HISTORY

1. New section filed 5-19-78; effective thirtieth day thereafter (Register 78, No. 20).
2. Amendment filed 5-8-80; effective thirtieth day thereafter (Register 80, No. 19).
3. Amendment of subsection (a) filed 6-3-81; effective thirtieth day thereafter (Register 81, No. 23).
4. Relettering of former subsection (d) to (e) and new subsection (d) filed 6-17-85; effective thirtieth day thereafter (Register 85, No. 25).

§1970.4. Pesticide Disclosure Requirement., continued**HISTORY**

5. Relettering of former subsection (e) to (f) and new subsection (e) filed 11-10-86; effective thirtieth day thereafter (Register 86, No. 46).
6. Amendment filed 3-23-87; effective upon filing pursuant to Government Code Section 11346.2(d) (Register 87, No. 13).
7. Amendment of subsections (a), (d) and (e) filed 4-12-90; operative 5-12-90 (Register 90, No. 17).
8. Amendment of subsections (a), (c) and Note filed 3-6-95; operative 4-5-95 (Register 95, No. 10).
9. Amendment of subsections (a), (c) and (d), amendment of Note, and new form 43M-48 filed 4-28-98; operative 5-28-98 (Register 98, No. 18).
10. Change without regulatory effect amending subsections (c) and (f) filed 3-26-02 pursuant to section 100, title 1, California Code of Regulations (Register 2002, No. 13).
11. Amendment of subsection (a) and repealer and new form 43M-48 filed 12-30-2005; operative 1-29-2006 (Register 2005, No. 52). 16 CA ADC s 1970.4

§1970.5. Commencing Aeration.

The time ventilation is commenced: as used in section 8505.3 of the Code means the period of time beginning when the seal is broken and ending when all seals/tarps are removed. A licensed Branch 1 operator or field representative is required to be present during this entire period of time.

NOTE: Authority cited: Section 8525, Business and Professions Code.
Reference: Section 8505.3, Business and Professions Code.

HISTORY

1. New section filed 4-12-90; operative 5-12-90 (Register 90, No. 17).
2. Amendment of section filed 8-12-96; operative 9-11-96 (Register 96, No. 33).

§1970.6. Fumigation of Connecting Structures.

(a) Prior to the process of fumigation, all single units and rooms within the entire structure shall be vacated.

(b) When recommending a fumigation, the prime contractor for fumigation shall:

(1) inquire of the owner or designated agent about the presence of any construction elements, conduits, drains, or vacuum systems that could allow passage of the fumigant from the structure to be fumigated to any adjacent or adjoining structure(s), thereby connecting them;

(2) inspect the structure to be fumigated and all other adjacent or adjoining structures on the property to determine if there are construction elements, conduits, drains, or vacuum systems present that could allow passage of the fumigant from the structure to be fumigated to any adjacent or adjoining structure(s).